



STATE OF WISCONSIN Assembly Journal

Ninety-Sixth Regular Session

10:10 A.M.

THURSDAY, February 20, 2003

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Gard in the chair.

The prayer was offered by Pastor JoAnn Fabie of Peace Lutheran Church in Waunakee.

Representative Townsend led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ainsworth, Albers, Balow, Berceau, Bies, Black, Boyle, Coggs, Colon, Cullen, J. Fitzgerald, Foti, Freese, Friske, Gielow, Gottlieb, Gronemus, Grothman, Gunderson, Gundrum, Hahn, Hebl, Hines, Huber, Hubler, Huebsch, Hundertmark, Jensen, Jeskewitz, Johnsrud, Kaufert, Kerkman, Kestell, Krawczyk, Kreibich, Kreuser, Krug, Krusick, Ladwig, F. Lasee, Lassa, J. Lehman, M. Lehman, LeMahieu, Loeffelholz, Lothian, McCormick, D. Meyer, Miller, Montgomery, Morris, Musser, Nass, Nischke, Olsen, Ott, Owens, Petrowski, Pettis, Plale, Plouff, Pocan, Pope–Roberts, Powers, Rhoades, Schneider, Schooff, Seratti, Sherman, Shilling, Sinicki, Staskunas, Steinbrink, Stone, Suder, Towns, Townsend, Travis, Turner, Underheim, Van Akkeren, Van Roy, Vrakas, Vruwink, Vukmir, Ward, Wasserman, Weber, Wieckert, A. Williams, M. Williams, J. Wood, W. Wood, Young, Zepnick, Ziegelbauer and Speaker Gard – 97.

Absent with leave – Representative Richards – 1.

Vacancies – 18th Assembly District – 1.

LEAVES OF ABSENCE

Representative Turner asked unanimous consent for a leave of absence for today's session for Representative Richards. Granted.

AMENDMENTS OFFERED

Assembly amendment 1 to **Senate Bill 8** offered by Representative Gronemus.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Bill 80

Relating to: paid leaves of absence for state employees who are veterans.

By Representatives Musser, Petrowski, Berceau, Pettis, Hines, Boyle, Stone, Bies, Freese, Turner, Gronemus, Owens, Coggs and Gunderson; cosponsored by Senators Hansen, Breske and Wirch.

To committee on **Veterans and Military Affairs**.

Assembly Bill 81

Relating to: preparation of economic impact statements for bills and proposed administrative rules that would have a direct economic impact on the private sector.

By Representatives Wieckert, Gronemus, Musser, Hines, Krawczyk, Hahn, Albers, Huebsch, Seratti, Hundertmark, Gielow, Bies, Owens, Ladwig, McCormick, Towns, Van Roy, Townsend, Stone, J. Fitzgerald, Freese and Vrakas; cosponsored by Senators Kanavas, A. Lasee, Welch, Stepp, Reynolds and Leibham.

To committee on **Small Business**.

Assembly Bill 82

Relating to: arbitration of controversies arising out of open-end consumer credit plans.

By Representatives Schneider, Hahn and Albers; cosponsored by Senator Chvala.

To committee on **Financial Institutions**.

Assembly Bill 83

Relating to: credit card records and providing a penalty.

By Representatives Schneider, Albers, Bies, Coggs, Colon, J. Lehman, McCormick, Musser, Sinicki, Ainsworth and Boyle; cosponsored by Senators Erpenbach and Risser.

To committee on **Financial Institutions**.

Assembly Bill 84

Relating to: the use of a person's social security number in his or her student identification number at a private institution of higher education.

By Representatives Schneider, M. Lehman, Hines, Balow, Sinicki, Hahn, Cullen, Plouff, Bies, Jeskewitz, Coggs, Colon, Albers, Plale, Van Roy, Grothman and Boyle; cosponsored by Senator Erpenbach.

To committee on **Colleges and Universities**.

Assembly Bill 85

Relating to: the incorporation of the town of Campbell in LaCrosse County as a village.

By Representatives Huebsch, Johnsrud, Ladwig, Freese, Albers, Musser, Seratti, Krawczyk, Hines, Jeskewitz and Townsend; cosponsored by Senators A. Lasee and Schultz.

To committee on **Rural Affairs**.

Assembly Bill 86

Relating to: physical health examinations of pupils.

By Representatives Rhoades, Loeffelholz, Ward, Ladwig, Jensen, Stone, Gronemus, Ainsworth, Freese, Hahn, Albers, Suder, Krawczyk, Grothman, Townsend, Owens, Vrakas, Hines, Hundertmark, Petrowski, Lothian, J. Wood and Gunderson; cosponsored by Senators Kanavas, Zien, Lazich, Leibham, Kedzie, A. Lasee and Stepp.

To committee on **Children and Families**.

Assembly Bill 87

Relating to: prohibiting the installation of computer chips on vehicles for purposes of collecting revenues.

By Representatives Schneider, Balow, Plouff, Albers, J. Wood, Grothman and Boyle.

To committee on **Transportation**.

Assembly Bill 88

Relating to: prohibited alcohol concentration.

By Representatives Ainsworth, Bies, Berceau, Gottlieb, J. Lehman, Olsen, Owens and Townsend; cosponsored by Senator Roessler.

To committee on **Transportation**.

Assembly Bill 89

Relating to: installment payments of refunds of taxes on manufacturing property, the interest on refunded and additional taxes on manufacturing property, and making an appropriation.

By Representatives M. Lehman, Jeskewitz, W. Wood, Olsen, Gielow, J. Lehman, Grothman, Seratti, Townsend, Ziegelbauer, Hahn, F. Lasee, Krawczyk, Ladwig and Colon; cosponsored by Senators Kanavas and A. Lasee.

To committee on **Ways and Means**.

Assembly Bill 90

Relating to: enforcement of motor vehicle safety belt violations and providing a penalty.

By Representatives Ainsworth, Hebl, Bies, Freese, Hines, McCormick, Pope-Roberts, Stone and Townsend; cosponsored by Senators Brown, Risser and George.

To committee on **Transportation**.

Assembly Bill 91

Relating to: prohibiting the use of cyanide in metallic mining.

By Representatives Black, Boyle, Plouff, Berceau, Sherman, Turner, Travis, Richards, Pohan, Pope-Roberts, J. Lehman, Coggs, Cullen, Shilling and Miller; cosponsored by Senators Decker, Carpenter, Robson, Hansen, Chvala and Risser.

To committee on **Natural Resources**.

Assembly Bill 92

Relating to: property tax reassessments.

By Representatives Olsen, Albers, Bies, Freese, Hahn, Hines, Hundertmark, Gunderson, Krawczyk, Owens, Seratti and Van Roy; cosponsored by Senators A. Lasee, Reynolds, Roessler and Welch.

To committee on **Ways and Means**.

Assembly Bill 93

Relating to: requiring alarm systems for sellers of firearms and providing a penalty.

By Representatives Olsen, Berceau, Gielow, Hines, Ott, Staskunas and Van Roy.

To committee on **Small Business**.

Assembly Bill 94

Relating to: requiring a course in personal finance for high school graduation.

By Representatives Olsen, Ainsworth, Bies, Coggs, Hines, Jeskewitz, Kaufert, Kreuser, Owens, Plale and J. Wood; cosponsored by Senators Ellis, Lazich and Roessler.

To committee on **Education**.

Assembly Bill 95

Relating to: allowing aliens who are not legal permanent residents of the United States to pay resident tuition.

By Representatives Colon, Krawczyk, Zepnick, Young, Berceau, Pohan, Hahn, J. Lehman, Townsend and Turner; cosponsored by Senators Carpenter, Risser and Chvala.

To committee on **Government Operations and Spending Limitations**.

Assembly Bill 96

Relating to: actions against sport shooting range owners or operators, against gun or sportsman's clubs, and against manufacturers, importers, trade associations, or dealers of firearms, firearm components, or firearm ammunition.

By Representatives Pettis, Musser, Huebsch, Suder, Hahn, Jensen, J. Wood, Bies, J. Fitzgerald, Gundrum, Gunderson, Friske, Hines, Ott, Stone, Albers, Freese, Krawczyk, Grothman, Petrowski, F. Lasee, McCormick, Hundertmark and Nass; cosponsored by Senators Kedzie, Schultz, S. Fitzgerald, Stepp, Roessler and Leibham.

To committee on **Judiciary**.

Assembly Bill 97

Relating to: vehicles operated in a funeral procession.

By Representatives Cullen, Ladwig, Turner and Bies; cosponsored by Senators Reynolds and Lazich.

To committee on **Transportation**.

Assembly Bill 98

Relating to: creating an individual and corporate income tax exemption for interest on bonds or notes issued by the Wisconsin Housing and Economic Development Authority for purposes related to multifamily and elderly housing projects.

By Representatives Wieckert, Musser, Ainsworth, Owens, Olsen, Bies, McCormick, Hines, Van Roy, Ladwig, Morris, Loeffelholz, Jensen, Stone and Vrakas; cosponsored by Senators Stepp, Welch and Roessler.

To committee on **Housing**.

COMMUNICATIONS

February 3, 2003

Patrick Fuller
Assembly Chief Clerk
208 RJC
Hand-Delivered

Dear Patrick:

Due to my absence on January 28 and January 30, 2003, I would like to take this opportunity to inform you of how I would have voted had I been present during session. Please include this information in the Assembly Journal.

Each of the following would have received an “aye” vote had I been there. They are as follows:

- | | |
|-------|--------|
| AJR 2 | AR 4 |
| AJR 3 | AJR 11 |
| AJR 1 | AB 3 |
| AB 1 | AB 4 |
| AB 2 | AB 5 |
| AR 3 | |

Thank you for your assistance with this request. Please let me know if you have any questions about the matter.

Sincerely,
BONNIE L. LADWIG
State Representative
63rd Assembly District

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Department of Administration
Madison

January 31, 2003

To the Honorable, the Legislature:

This report is transmitted as required by s. 20.002(11)(f), Wisconsin Statutes, (for distribution to the appropriate standing committees under s. 13.172(3), Wisconsin Statutes), and confirms that the Department of Administration has found it necessary to exercise the “temporary reallocation of balances” authority provided by this section in order to meet payment responsibilities and cover resulting negative cash balances during the month of December 2002.

On December 2, 2002, the General Fund cash balance closed at a negative \$290.2 million. The negative balance continued until December 20, 2002, when the balance closed at a positive \$54.5 million. On December 26, 2002, the General Fund cash balance again fell negative, closing at a negative

\$25.1 million. The negative balance continued until December 27, 2002, when the balance closed at a positive \$33.4 million. The General Fund cash balance reached its monthly low of a negative \$364.1 million on December 12, 2002. The negative balance was due to the difference in the timing of revenues and expenditures.

On December 30, 2002, the Wisconsin Health Education Loan Repayment Fund cash balance closed at negative \$1 thousand. This negative balance continued through December 31, 2002. The negative difference was due to the timing of revenues and expenditures.

The General Fund and the Wisconsin Health Education Loan Repayment Fund shortfalls were not in excess of the statutory interfund borrowing limitation and did not exceed the balances of the funds available for interfund borrowing.

The distribution of interest earnings to investment pool participants is based on the average daily balance in the pool and each fund’s share. Therefore, the monthly calculation by the State Controller’s Office will automatically reflect the use of these temporary reallocations of balance authority, and as a result, the funds requiring the use of the authority will effectively bear the interest cost.

Sincerely,
MARC J. MAROTTA
Secretary

Referred to committee on **Ways and Means**.

State of Wisconsin
Department of Health and Family Services
Madison

February 13, 2003

To the Honorable, the Assembly:

Pursuant to s. 46.76 (4), the Department of Health and Family Services is required to develop an annual plan that documents areas of hunger and populations experiencing hunger within this state and to recommend strategies for state and federal policy changes to address hunger in these areas. The statute requires that this plan be submitted annually to the Governor, Superintendent of Public Instruction, and the appropriate standing committees under s. 13.172 (3).

The enclosed Second Annual Status Report on Hunger in Wisconsin is being submitted to you in accordance with this requirement. Please feel free to contact my office at 608-266-9622, if you have any questions.

Sincerely,
HELENE NELSON
Secretary

Referred to committee on **Children and Families**.

AGENCY REPORTS

State of Wisconsin
Legislative Audit Bureau
Madison

February 19, 2003

To the Honorable, the Legislature:

We have completed a review of the Environmental Cooperation Pilot Program, which was established in [1997 Wisconsin Act 27](#). The pilot program, operated by the Department of Natural Resources (DNR), is intended to provide increased flexibility for businesses in complying with environmental regulation, while maintaining existing levels of environmental protection. The Legislative Audit Bureau is required by statutes to monitor and report annually on this pilot program.

The program allowed DNR to sign up to ten cooperative agreements with businesses by October 1, 2002. DNR negotiated seven agreements with six different companies, including four agreements signed between September 10, 2002 and October 1, 2002.

In reviewing the agreements, we found that each appears to meet the statutory requirements established by the Legislature and that required public comment was solicited and considered. We note, however, that for one of the agreements, the baseline report was not completed within the time line stipulated in the agreement or set by statute and the environmental management system was not completed within the time line stipulated in the agreement. Because five of the seven agreements were not executed until 2002, we will be reviewing the baseline reports, environmental management systems, and DNR oversight of those agreements during our next annual review.

It is too early in the cooperative agreement process to draw any conclusions regarding the overall success of the program. Reviews of the program in future years will yield additional information, which should allow for more conclusions to be drawn regarding both business flexibility in meeting environmental regulations and the goal of obtaining superior environmental performance.

We appreciate the courtesy and cooperation extended to us by DNR during our review.

Respectfully submitted,
JANICE MUELLER
State Auditor

LEAVES OF ABSENCE

Representative Vrakas asked unanimous consent for a leave of absence for part of today's session for Representative Nischke. Granted.

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representative Berceau. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

10:17 A.M.

RECESS

1:30 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Berceau asked unanimous consent that her leave of absence be lifted. Granted.

Representative Nischke asked unanimous consent that her leave of absence be lifted. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 9** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

Assembly Bill 9

Relating to: authorizing the establishment of a program for the suppression of gypsy moths, specifying areas eligible for aerial insecticide treatment for the suppression of gypsy moths, and requiring the exercise of rule-making authority.

Representative Foti asked unanimous consent that **Assembly Bill 9** be rereferred to the committee on **Rules**. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 10** be withdrawn from the committee on **Ways and Means** and taken up at this time. Granted.

Assembly Bill 10

Relating to: creating a sales tax and use tax exemption for the sale of game birds.

Representative Foti asked unanimous consent that **Assembly Bill 10** be rereferred to the committee on **Ways and Means**. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Bill 25** be withdrawn from the committee on **Natural Resources** and taken up at this time. Granted.

Assembly Bill 25

Relating to: the beginning date authorized for the hunting of antlerless deer in October.

Representative Foti asked unanimous consent that **Assembly Bill 25** be rereferred to the committee on **Natural Resources**. Granted.

Assembly Bill 18

Relating to: the size of the county board of supervisors in populous counties.

Representative Krug asked unanimous consent that Senator Darling be added as the first cosponsor of **Assembly Bill 18**. Granted.

Representative Foti asked unanimous consent for a quorum call. Granted.

A quorum was present.

**CALENDAR OF WEDNESDAY,
FEBRUARY 19**

Assembly Bill 3

Relating to: limitations on the filling of vacant positions in state government.

POINT OF ORDER

Representative Miller rose to the point of order that **Assembly Bill 3** was not properly before the Assembly under § 13.45 of the Wisconsin Statutes because the chairperson of the committee on Natural Resources was not properly chosen.

Speaker Pro Tempore Freese ruled the point of order **not well taken**.

Representative Black submitted a resolution, LRB – 2058, relating to: requesting the secretary of employment relations to submit to the assembly immediately for immediate calendaring bills ratifying all state employee collective bargaining agreements that have been ratified by state employee labor organizations.

Speaker Pro Tempore Freese ruled that the resolution was not privileged under Assembly Rule 43.

Representative Black appealed the ruling of the Chair.

Speaker Pro Tempore Freese ruled that there was no point of order to appeal under Assembly Rule 62 (6).

Representative Black rose to the point of order that the resolution was privileged under Assembly Rule 43.

Speaker Pro Tempore Freese ruled that the resolution was not privileged as defined by Assembly Rule 43.

Representative Black rose to the point of order that the resolution was privileged under Assembly Rule 43.

Speaker Pro Tempore Freese ruled that, under Assembly Rule 43, the resolution did not relate to the officers, members, former members, procedures, or organization of the Assembly or Legislature. Speaker Pro Tempore Freese also ruled that the point of order was not timely under Assembly Rule 62 (4).

Assembly Bill 3

Relating to: limitations on the filling of vacant positions in state government.

Speaker Pro Tempore Freese stated that the question before the Assembly was passage of **Assembly Bill 3**.

Representative Black rose to the point of order that the pending question before the Assembly was not passage of **Assembly Bill 3** because there was a pending privileged resolution which takes precedence.

CALL OF THE ASSEMBLY

Representative Gard requested a call of the Assembly. There were sufficient seconds.

The Sergeant-at-Arms was directed to close the doors and the Chief Clerk to call the roll.

Representative Gard asked unanimous consent that the call of the Assembly be lifted. Granted.

LEAVES OF ABSENCE

Representative Turner asked unanimous consent for a leave of absence for part of today's session for Representative A. Williams. Granted.

Assembly Bill 3

Relating to: limitations on the filling of vacant positions in state government.

Speaker Pro Tempore Freese stated that the question before the Assembly was passage of **Assembly Bill 3**.

Representative Black rose to the point of order that the pending question before the Assembly was not passage of **Assembly Bill 3** under Assembly Rule 65 (1)(i) because there was a pending privileged resolution which takes precedence.

Speaker Pro Tempore Freese ruled the point of order out of order because he already ruled that the resolution was not privileged.

Representative Schneider moved that the rules be suspended and that LRB – 2058 be taken up at this time.

Speaker Pro Tempore Freese ruled that the Assembly can not take up LRB – 2058 because the resolution had not been introduced.

Representative Schneider rose to the point of order that, under Assembly Rule 90, the Assembly was able to suspend the rules to take up a LRB number.

Representative Foti rose to the point of order that the Assembly would not only be suspending the rules, but also suspending §111.92, Wisconsin Statutes.

Speaker Pro Tempore Freese took the point of order under advisement.

Representative Kaufert rose to request that Representative Hebl be called to order under Assembly Rule 58.

Representative Montgomery rose to request that Representative Hebl be called to order under Assembly Rule 58.

Representative Foti asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

3:00 P.M.

RECESS

4:31 P.M.

The Assembly reconvened.

Speaker Gard in the chair.

INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

Assembly Joint Resolution 20

Relating to: the lives and tragic deaths of the Columbia space shuttle astronauts.

By Representatives Schneider, Boyle, Plouff, Travis, Sinicki, M. Lehman, Young, Loeffelholz, Balow, Gronemus, Krawczyk, J. Lehman, Seratti, Kaufert, McCormick, Suder, Musser, Ladwig, Albers, Ainsworth, Vruwink, Nischke, Pope-Roberts, Olsen, Morris, Vrakas, Hines, Berceau, Jeskewitz, Gielow, Hahn, Shilling, Miller, Van Akkeren, Weber, Jensen, Kreuser, Colon, Krug, Hubler and Lassa; cosponsored by Senators Carpenter, Breske, Kedzie, Harsdorf, Lazich, Risser, Schultz, Brown, Roessler and Kanavas.

Representative Schneider asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 20** be taken up at this time. Granted.

The question was: Shall **Assembly Joint Resolution 20** be adopted?

Motion carried.

Representative Turner asked unanimous consent that all members of the Assembly be made coauthors of **Assembly Joint Resolution 20**. Granted.

Representative Foti asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 20** be immediately messaged to the Senate. Granted.

Representative Vrakas asked unanimous consent that the Assembly stand recessed. Granted.

The Assembly stood recessed.

4:45 P.M.

RECESS

9:17 P.M.

The Assembly reconvened.

Speaker Pro Tempore Freese in the chair.

Representative Montgomery asked unanimous consent to withdraw his request that Representative Hebl be called to order under Assembly Rule 58. Granted.

Representative Kaufert asked unanimous consent to withdraw his request that Representative Hebl be called to order under Assembly Rule 58. Granted.

MESSAGE FROM THE SENATE

By Donald J. Schneider, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

Assembly Joint Resolution 12
Assembly Joint Resolution 13

VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Job Shadow Amanda DeBoer from McFarland High School, guest of Representative Miller.

Heidi Bremer from Buffalo County, guest of Representative Gronemus.

Alderman Angel Sanchez from the Milwaukee City Council, guest of Representative Colon.

ADJOURNMENT

Representative Foti moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

9:20 P.M.